



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/217,524	12/17/80	WEYER	R 79F343

HENRY W. KOSTER
C/O CURTIS, MORRIS & SAFFORD
530 FIFTH AVE.
NEW YORK, NY 10036

EXAMINER	
ROLLINS, A	
ART UNIT	PAPER NUMBER
122	

DATE MAILED MAILED 3-22-82

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

MAR 11 1982

This application has been examined.

Responsive to communication filed on 10/21/81

This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892 2. Notice of Informal Patent Drawing, PTO-948
3. Notice of References Cited by Applicant, PTO-1449 4. Notice of Informal Patent Application, Form PTO-152

Part II SUMMARY OF ACTION

5. _____

1. Claims 7-12 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims 1-6 have been cancelled.

3. Claims _____ are allowed.

4. Claims 10-12 are rejected.

5. Claims 7-9 are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. The formal drawings filed on _____ are acceptable.

8. The drawing correction request filed on _____ has been approved. disapproved.

9. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has
 been received. not been received. been filed in parent application, serial no. _____,
filed on _____.

10. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

11. Other

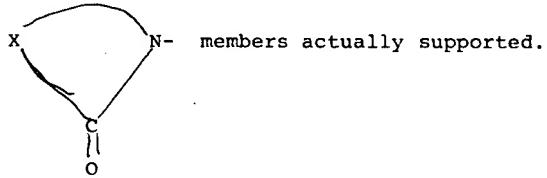
Serial No. 217,524

-2-

Art Unit 122

Claims 10-12 are rejected under 35 USC 101 on the grounds of double patenting of applicant's claims 1-8 in applicant's prior U.S. patent No. 4,282,239.

Although applicants argue in their prior art statement that the present claims are limited to bicyclic ring systems in which all rings are saturated, and hence the claims herein do not embrace the aromatic system of the patent, it is not seen wherein the claims are so limited. Note that the last line of the definition of X in claim 10 states that the cycloalkyl moiety may be unsaturated. Note also the structures II and IV on page 5 of Paper No. 6 (amendment of October 21, 1981). It is suggested that the claims herein be limited to a Markush grouping of the particular



Claims 10-12 are rejected under 35 USC 112, first and second paragraphs, as being vague and indefinite in the definition of X, and as being

Serial No. 217,524

-3-

Art Unit 122

based on inadequate disclosure. As noted above, the nature of the cycloalkyl alkyl group, which may be unsaturated, is unclear. Further, the sources of necessary starting materials for rings in which the cycloalkyl or unsaturated cycloalkyl is fused to a 7- or 8- membered lactam ring, particularly where the cycloalkyl itself has 5- or 7- members, are not stated.

Claims 7-9 are objected to for depending from a rejected parent claim. These claims are considered to contain allowable subject matter and would be considered allowable if rewritten in independent form.

ARollins:ebw

A/C 703

557-3032

02/09/82

Alton D. Rollins
ALTON D. ROLLINS
PRIMARY EXAMINER
ART UNIT 122